

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM BELL III,

Plaintiff,

v.

UNIVERSITY OF CALIFORNIA DAVIS
MEDICAL CENTER, et al.,

Defendants.

No. 11-01590 CW

ORDER
TRANSFERRING CASE
TO THE EASTERN
DISTRICT

Plaintiff William Bell III applies to proceed in forma pauperis on his complaint alleging several federal and state claims arising from his employment at University of California at Davis (UC Davis) Medical Center. Defendants are the UC Davis Medical Center and many of its employees. Plaintiff alleges that "a substantial part of the events or omissions which give rise to this lawsuit occurred in Sacramento County." Comp. ¶ 3. Plaintiff resides in Sacramento, California. Sacramento County is located in the Eastern District of California.

In federal question cases, venue is proper in:

- (1) a judicial district where any defendant resides, if all defendants reside in the same state,
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or

1 (3) a judicial district in which any defendant may be found,
2 if there is no district in which the action may otherwise be
brought.

3 28 U.S.C. § 1391(b).

4 Because all the activity providing the basis of the complaint
5 took place in the Eastern District and because all of the parties
6 reside in that district, this district is not the proper venue for
7 this case. Under 28 U.S.C. § 1406(a), "the district court of a
8 district in which is filed a case laying venue in the wrong
9 division or district shall dismiss, or if it be in the interest of
10 justice, transfer such case to any district or division in which it
11 could have been brought." See Costlow v. Weeks, 790 F.2d 1486,
12 1488 (9th Cir. 1986) (court may transfer venue sua sponte).

13 Furthermore, even if venue were proper in this district,
14 transfer to the Eastern District pursuant to 28 U.S.C. § 1404(a),
15 for the convenience of parties, witnesses and in the interests of
16 justice is warranted. See Cyril & Crowley, LLP v. Western Systems,
17 Inc., 2001 WL 58963, *1 (N.D. Cal.) (court may transfer venue under
18 28 U.S.C. § 1404(a) sua sponte).

19 In the interests of justice, this case is transferred to the
20 Eastern District of California.

21
22 IT IS SO ORDERED.

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24 Dated: July 1, 2011



25 CLAUDIA WILKEN
26 United States District Judge
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